

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4400

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AUDWIN L. DAVIS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CR-97-331-3)

Submitted: October 30, 2002

Decided: November 8, 2002

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frank W. Dunham, Jr., Federal Public Defender, Paul G. Gill, Assistant Federal Public Defender, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, S. David Schiller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Audwin L. Davis appeals the district court's revocation of supervised release imposed pursuant to a conviction for possession of a firearm by a controlled substance abuser. Davis's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal. On Davis's behalf, counsel contends that the district court abused its discretion in sentencing Davis to twelve months of incarceration for his violations of the terms of supervised release. Davis was advised of his right to file a pro se supplemental brief but has not done so.

We have reviewed the claims and find no abuse of discretion in the sentence imposed. See United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). In addition, we have examined the entire record in this case in accordance with the requirements of Anders and find no meritorious issues for appeal. We therefore affirm.

This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. Finally, we dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED